

# TRAITE DE COOPERATION EN MATIERE DE BREVETS

## PCT

### RAPPORT D'EXAMEN PRELIMINAIRE INTERNATIONAL

(article 36 et règle 70 du PCT)

REC'D 08 MAR 2005

WIPO PCT

Référence du dossier du déposant ou du mandataire	<b>POUR SUITE A DONNER</b> voir la notification de transmission du rapport d'examen préliminaire international (formulaire PCT/PEA/416)	
Demande internationale No. PCT/FR 03/03519	Date du dépôt international (jour/mois/année) 27.11.2003	Date de priorité (jour/mois/année) 04.12.2002
Classification internationale des brevets (CIB) ou à la fois classification nationale et CIB B01L3/00		
Déposant COMMISSARIAT A L'ENERGIE ATOMIQUE et al.		

1. Le présent rapport d'examen préliminaire international, établi par l'administration chargée de l'examen préliminaire international, est transmis au déposant conformément à l'article 36.



2. Ce RAPPORT comprend 4 feuilles, y compris la présente feuille de couverture.

- ☐ Il est accompagné d'ANNEXES, c'est-à-dire de feuilles de la description, des revendications ou des dessins qui ont été modifiées et qui servent de base au présent rapport ou de feuilles contenant des rectifications faites auprès de l'administration chargée de l'examen préliminaire international (voir la règle 70.16 et l'instruction 607 des Instructions administratives du PCT).

Ces annexes comprennent feuilles.

3. Le présent rapport contient des indications et les pages correspondantes relatives aux points suivants :

- I ☒ Base de l'opinion
- II ☐ Priorité
- III ☐ Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle
- IV ☐ Absence d'unité de l'invention
- V ☒ Déclaration motivée selon la règle 66.2(a)(ii) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration
- VI ☐ Certains documents cités
- VII ☐ Irrégularités dans la demande internationale
- VIII ☐ Observations relatives à la demande internationale

Date de présentation de la demande d'examen préliminaire internationale 10.06.2004	Date d'achèvement du présent rapport 04.03.2005
Nom et adresse postale de l'administration chargée de l'examen préliminaire international  Office européen des brevets D-80298 Munich Tél. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Fonctionnaire autorisé Skowronski, M N° de téléphone +49 89 2399-8475 

## PCT/FR 03/03519

**RAPPORT D'EXAMEN  
PRÉLIMINAIRE INTERNATIONAL**

Demande internationale n°

PCT/FR 03/03519

5. ☐ Le présent rapport a été formulé abstraction faite (de certaines) des modifications, qui ont été considérées comme allant au-delà de l'exposé de l'invention tel qu'il a été déposé, comme il est indiqué ci-après (règle 70.2(c)) :

*(Toute feuille de remplacement comportant des modifications de cette nature doit être indiquée au point 1 et annexée au présent rapport.)*

6. Observations complémentaires, le cas échéant :

**V. Déclaration motivée selon l'article 35(2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration**

1. Déclaration			
Nouveauté	Oui:	Revendications	
	Non:	Revendications	1-7
Activité inventive	Oui:	Revendications	
	Non:	Revendications	1-7
Possibilité d'application industrielle	Oui:	Revendications	1-7
	Non:	Revendications	

2. Citations et explications

**voir feuille séparée**

Il est fait référence au document suivant :

D1: WO 02/069016 A (LIGHTWAVE MICROSYSTEMS CORP) 6 septembre 2002  
(2002-09-06)

**1. Nouveauté (Article 33(2) PCT)**

La présente demande ne remplit pas les conditions énoncées dans l'Article 33(1) PCT, l'objet des revendications 1-7 n'étant pas conforme au critère de nouveauté défini par l'Article 33(2) PCT.

**1.1 Revendication 1:** D1 montre un dispositif microfluidique (900) destiné à deux fluides non miscibles, dispositif comportant :

un micro-canal (902) ayant des parois inférieures, latérales et supérieures  
une électrode (903) et une contre-électrode (904) sur toute la longueur du micro-canal (902) (cf. figure 9).

Par conséquent, l'objet de la revendication 1 n'est pas conforme au critère de nouveauté défini par l'article 33(2) PCT.

**1.3 Revendications 2-7:** Les revendications ne contiennent pas de caractéristiques qui, combinées avec les caractéristiques d'une quelconque revendication à laquelle elles se réfèrent, satisfont aux exigences du PCT en matière de nouveauté et d'activité inventive (article 33 2) et 3) PCT)

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PA1675WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003519	International filing date (day/month/year) 27 novembre 2003 (27.11.2003)	Priority date (day/month/year) 04 décembre 2002 (04.12.2002)
International Patent Classification (IPC) or national classification and IPC B01L 3/00, G01N 27/26		
Applicant COMMISSARIAT A L'ENERGIE ATOMIQUE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 10 juin 2004 (10.06.2004)	Date of completion of this report 04 March 2005 (04.03.2005)
Name and mailing address of the IPEA/EP  Facsimile No.	Authorized officer  Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003519

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-15, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 1-7, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages 1/5-5/5, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims		YES
	Claims	1-7	NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following document:

D1: WO 02/069016 A (LIGHTWAVE MICROSYSTEMS CORP)  
6 September 2002 (2002-09-06).

**1. Novelty (PCT Article 33(2))**

The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claims 1-7 does not comply with the requirement of novelty defined in PCT Article 33(2).

**1.1 Claim 1:** D1 discloses a microfluidic device (900) intended for two non-miscible fluids, which device comprises:

a micro-channel (902) having bottom, top and side walls, an electrode (903) and a counter-electrode (904) positioned along the entire length of said microchannel (902) (cf. figure 9).

It follows that the subject matter of claim 1 does

not fulfil the requirement of novelty defined in PCT Article 33(2).

- 1.3 **Claims 2-7:** The dependent claims do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirements of novelty and inventive step (PCT Article 33(2) and 33(3)).